



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 415**

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**Hearing Date:** March 5, 2007

**Committee On:** Transportation and Telecommunications

**Introducer(s):** (Harms)

**Title:** Change provisions relating to provisional operator's permits and other operator's licenses and permits

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

- |   |                     |  |
|---|---------------------|--|
| 6 | Yes                 | Senators Stuthman, Schimek, Fischer, Aguilar, Louden and Hudkins |
|   | No                  |  |
| 2 | Present, not voting | Senators Mines and Pedersen                                      |
|   | Absent              |  |
- 

**Proponents:**

Senator John Harms, Introducer  
Steven Chealander  
Kevin Quinlan  
Simera Reynolds  
Jeff Bliemeister  
Sandra K. Kosch  
Laurie Klosterboer

**Representing:**

District #48  
National Transportation Safety Board  
National Transportation Safety Board  
Mothers Against Drunk Driving  
Mothers Against Drunk Driving  
Self  
Nebraska Safety Council

**Opponents:**

**Representing:**

**Neutral:**

Justin Brady

**Representing:**

Alltel

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**Summary of purpose and/or changes:**

LB 415 puts additional restrictions on an underage person when applying for a Class O or provisional operator's permit (P.O.P.), and prohibits the use of cell phones when operating a motor vehicle with a P.O.P., learner's permit, or school permit.

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The bill adds an additional requirement for a person under the age of eighteen applying for a Class O operator's license to not have had any convictions for a moving traffic violation within the previous twelve months (currently three or more points assessed).

Before a person can obtain a P.O.P., he or she must have possessed an LPD – learner's permit for at least six months, and have had no moving traffic violations within the previous six months.

In addition to providing proof of completion of a driver safety course, the applicant may also have a certificate signed by a parent or guardian to verify that the applicant has completed sixty hours of lawful driving (currently fifty hours), with at least ten hours of driving in the dark.

A P.O.P. only authorizes driving between 5 a.m. and 10 p.m. (currently 6 a.m. to 12 a.m.), and only one passenger under age 21, who is not an immediate family member, is allowed in the motor vehicle for the first six months.

The holder of a P.O.P., LPD – learner's permit, school permit, or LPE – learner's permit is not allowed to use any type of interactive wireless communication device while operating a motor vehicle.

An interactive wireless communication device includes a cell phone, text messaging device, digital assistant, audio or video player that sends or receives messages, and a laptop computer.

The act has an operative date of January 1, 2008.

**Explanation of amendments, if any:**

The committee amendment, AM624, makes several changes on the restrictions imposed in LB 415. The amendment returns to current statute and allows for the accumulation of three points or less in a twelve month period before a P.O.P. holder is prohibited from obtaining his or her Class O license. The same three point standard is applied to an LPD- learner's permit holder for a six month period before obtaining his or her P.O.P.

The amendment reverts back to the current fifty hours required driving time for an applicant who provides an affidavit signed by a parent or guardian.

The amendment also reverts back to the prohibited hours of operating a motor vehicle for a P.O.P. holder during the period beginning at 12 a.m. and ending at 6 a.m., and lowers the age of the passenger restriction to under nineteen years to stay consistent with minor status in Nebraska.

A school permit's validity is also extended for three months after an individual's sixteenth birthday to cover the gap between a person's sixteenth birthday and the time when a P.O.P. is issued. Currently a school permit expires on an individual's sixteenth birthday, regardless of what day that falls upon.

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**Senator Deb Fischer, Chairperson**